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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,384	09/24/2003	Yoshihiro Yazawa	1412-DIV-02	1865

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IP GROUP OF DLA PIPER RUDNICK GRAY CARY US LLP
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EXAMINER

YEE, DEBORAH

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,384

Applicant(s)

YAZAWA ET AL.

Examiner

Deborah Yee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7 to 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over European patent 758685 for the reasons set forth in the previous office action dated 3-31-05.

3. Claims 12 to 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over European patent 758685 as applied to claims 7 to 11 above, and further in view of applicant's admitted prior art on pages 1 to 3 of his specification for the reasons set forth in the previous office action dated 3-31-05.

Response to Arguments

4. Applicant's arguments filed 5-31-05 have been fully considered but they are not persuasive. It is the examiner's position that EP'685 on pages 1 and 6 discloses a cold rolled ferritic stainless steel having excellent deep drawability suitable for use in outer panels and strengthening members of automobiles with a composition and process limitations which closely suggest the present invention. More specifically note example 3 in Table 1-1 on page 7 which meets the claimed composition except for V, and when calculated satisfies the claimed Ti equation. Although 0.004 to 0.3 % V as recited by claim 7 is not disclosed by example 3, such element would be expected to be present

since EP'685 on lines 16 to 17 on page 6 teaches up to 0.3% V as an inevitable impurity.

5. Moreover, example 3 meets the process steps of hot rolling, annealing, cold rolling, finish annealing and pickling to form a sheet having a surface ridging grade of 0.5 as shown in Table 1-1 on page 7 which is less than 5 microns as shown on line 25 on page 4 and hence would closely be within applicant's claimed roughness range of 0.3microns or less.

6. Although prior art does not teach a grain size of 40 microns or less as recited by claim 7, such would be expected since composition and process limitations are closely met, and in absence of proof to the contrary.

7. It was argued that EP'685 does not disclose that the state of surface roughness of a finished cold-rolled sheet improves brittle resistance to secondary process of the steel sheet. It is the examiner's position that such property would be expected in EP'685 steel sheet since composition, surface roughness and process limitations are closely met, and in absence of proof (e.g. comparative test data) to the contrary.

8. It was argued that EP'685 is inapplicable to claims 7-11 because it utterly fails to disclose, teach or suggest the claimed amount of V and /or that such a claimed amount of V would have any impact on the characteristics of the steel produced in accordance with the method recited by claims 7-11. It is the examiner's position that EP'685 on lines 16 to 17 on page 6 teaches up to 0.3%V is present as an inevitable impurity and would be within applicant's claimed V range of 0.004 to 0.3%. Moreover, the claimed V range of 0.004 to 0.3% fails to define patentable novelty of EP'685 because there is nothing

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to show (e.g. by comparative data) that the presence of V is somehow critical and productive of new and unexpected results or that it involves anything more than judicious selection. Note specification on page 8, paragraph 28 and original claim 7 discloses V as optional with a lower limit of zero.

9. Moreover, in regard to claims 12 to 14, examiner maintains her position that it would be an obvious modification well within the skill of the artisan to coat steel surface of EP'685 with resin coating since this is a well know technique in the metallurgical art conventionally practice to further enhance corrosion resistance as taught by applicant's admitted prior art on pages 1 to 3 of his specification.

Conclusion

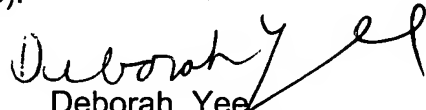
10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah Yee whose telephone number is 571-272-1253. The examiner can normally be reached on Monday-Friday from 6:00 to 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Deborah Yee
Primary Examiner
Art Unit 1742

dy